88-1452

Supreme Court, U.S.
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NO._____

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1988 TERM

RODNEY F. STICH

Petitioner

UNITED STATES BANKRUPTCY COURT
Judge Edward Jellen
Respondent.

Charles Duck, Trustee
Real Party In Interest

Petition For Writ Of Certiorari

UNCONSTITUTIONAL SEIZURE OF CHAPTER 11 PROPERTIES

JURISDICTIONAL STATEMENT

Rodney F. Stich
P.O. Box 5
Alamo, Calif. 94507
Phone: 415-820-7250
Petitioner in pro se

43 pp

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P.O. Box 5
Alamo, Calif. 94507
Phone: 415-820-7250
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QUESTIONS PRESENTED FOR REVIEW

1. Are constitutional due process rights, privileges, and protections, violated by seizing a multi-million dollar estate in a chapter 11 bankruptcy, where petitioner had sought relief from civil and constitutional violations:

a. Without the case being on the calendar, depriving petitioner of a hearing and opportunity to defend?

b. Without the statutory requirements of a noticed hearing, legally recognized cause, and evidence?

c. When a prior notice of appeal changing venue from Las Vegas to Oakland, and of the order seizing the properties, deprived the court of jurisdiction?

2. Are constitutional due process protections violated by the January 20, 1989 order barring petitioner from court access and lawful remedies, depriving him of relief from the taking of his life's property accumulations?

5. Does the total judicial due process gridlock

within the Ninth Circuit courts infer a de facto subversion of the laws and constitution of the United States, to silence petitioner's exposure of a major, tragedy riddled, air disaster and superimposed judicial scandal?

6. Can the justices of the Supreme Court, under these conditions, refuse to address the grave allegations and implications stated herein?

TABLE OF CONTENTS

QUESTIONS PRESENTED i

TABLE OF CONTENTS ii

OPINIONS BELOW 1

JURISDICTIONAL STATEMENT 1

CONSTITUTIONAL & STATUTORY PROVISIONS 1

FEDERAL QUESTIONS ARE SUBSTANTIAL . . . 2

STATEMENT OF THE CASE 4

REASONS FOR GRANTING THE WRIT 9

ARGUMENT 11

I. FUNDAMENTAL DUE PROCESS WAS VIOLATED BY SEIZING AND LIQUIDATING PETITIONER'S ASSETS . . 11

A. The Seizure Occurred With Blatant Violation Of Constitutional Due Process Right To Defend 12

B. The Statutory Requirement for a Noticed Hearing, Legally Recognized Cause, Evidence, Was Openly Violated 12

C. The Order Seizing Petitioner's Assets Was Rendered Without Jurisdiction, While An Order Of Abstention Was In Effect 14

D. The Subsequent Orders Causing Property Liquidation Occurred After Notice Of Appeals Deprived the Court Of Jurisdiction 14

II. THE JANUARY 20, 1989 ORDER JUDICIALLY APPROVES THE MAJOR VIOLATIONS, AND BARS PETITIONER FROM SEEKING RELIEF 15

III. THE PATTERN OF DELIBERATE CONSTITUTIONAL VIOLATIONS COMMITTED BY "COORDINATED" NINTH CIRCUIT ACTIVITIES HAS ALARMING IMPLICATIONS 16

IV. REFERENCE TO OTHER ACTIONS TO SHOW THE ROOT CAUSE FOR THE NINTH CIRCUIT DUE PROCESS GRIDLOCK 18

CONCLUSION 25

TABLE OF AUTHORITIES

Federal Statutes

11 U.S.C. § 1104 2,5,13

28 U.S.C. § 1331 2

28 U.S.C. § 1343 1,16

28 U.S.C. § 2201 15

28 U.S.C. § 2202 15

42 U.S.C. § 1986 1,16

First Amendment 2

Fifth Amendment 12

Ninth Amendment 14

Fourteenth Amendment 14

Ninth amendment 8

Fourteenth amendment due process and equal protection clause 6

Full Faith and Credit Clause, Title IV, ... 6

FEDERAL CASES:

Donovan v. Mazzola
761 F.2d 1411 (9th Cir. 1985) 15

In re Butcher Boy Meat Market, Inc.
10 B.R. 258 (Bkrtcy. E.D.Pa. 1981) 15

In re Excavation Construction Inc.
8 B.R. 752 (D.Md 1981) 15

In re Reddis
37 B.R. 217 (E.D.Pa. 1984) 15

Masalosalo v. Stonewall
718 F.2d 955 (9th Cir. 1983) 15

Mathews v. Eldridge
(1976) 424 U.S. 319 12

Stich v. Federal Aviation Administration
N.D. Cal. No. 74982 RHS, CA No. 75-2300
cert denied 77-30 19

Stich v. National Transportation Safety Board
N.D. Cal. No. 80-4526 SAW; CA No. 82-8272;
cert denied 82.93 19

Wolfe v. McDonnell
(1974) 418 U.S. 539 12

Rule of Supreme Court 17 3

Rule of Supreme Court 26 1

Rule of Supreme Court 27 1

APPENDIX:

App. A: January 20, 1989 order Ninth Circuit Court of Appeals, denying injunctive relief and barring petitioner from seeking relief from the great and irreparable harm.

App. B: September 11, 1987 order of abstention.

App. B: August 8, 1987 order appointing trustee in chapter 11 cases.

OPINIONS BELOW

The Court of Appeals order denying relief, and barring court access and due process, was filed January 20, 1989. (Appendix "A.")

JURISDICTIONAL STATEMENT

The jurisdiction of this court arises pursuant to (a) Supreme Court Rules 17 and 18 to review the order of the Court of Appeals; (b) Rules 26 and 27 for an extraordinary writ; (c) Title 28 United States Code Section 1651(a) (issue writs in aid of respective jurisdiction); and (d) Title 28 U.S.C. § 1343 and Title 42 U.S.C. § 1986 (power and responsibility to prevent or aid in the prevention of repeated violations of rights and protections under the laws and constitution of the United States).

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Constitutional provisions includes:

A. The Fifth Amendment protection against taking of property without due process and equal protection.

B. Fifth Amendment due process and equal protection, barring access to Congressional statutes and the Constitution of the United States.

C. First Amendment right to court access to address violations of protected rights.

The statutory provisions include:

A. Title 11 United States Code Section 1104, which requires a noticed hearing; requires cause; and requires supporting evidence; before seizing chapter 11 bankruptcy estate properties.

B. Title 28 U.S.C. Section 1331, which provides mandatory court jurisdiction for relief from violations of constitutionally protected rights.

C. Title 28 U.S.C. Section 1343 and Title 42 U.S.C. § 1986, requiring any party, including the Justices of the Supreme Court, to prevent, or aid in the prevention, of the widespread judicial violations of rights, privileges, and protections under the laws and constitution of the United States.

FEDERAL QUESTIONS ARE SUBSTANTIAL

A pattern of major violations of fundamental constitutional rights and protections has emerged from the Ninth Circuit courts, of which the present issue is but one in a pattern of judicial duplicity subverting the laws and constitution of the United States and the

integrity of the federal judiciary.

There exists in the Ninth Circuit federal courts a widespread judicial scheme, with the intent of violating rights and protections under the laws and constitution of the United States, to silence petitioner's exposure of an air safety/air disaster scandal, upon which has been superimposed a Justice Department and judicial scandal. Lives are being sacrificed in the underlying air safety scandal, hard-core subversive activities are occurring, traumatizing and threatening our form of government. These covert activities require total judicial due process gridlock, suspending the rights, privileges, and protections under laws passed by Congress, under constitutional protections, and published decisions that do not reflect the real world activities in the federal courts.

The gravity of these acts, the widespread damaging effect upon the United States, requires the Justices of the Supreme Court to exercise their supervisory responsibilities, and provide petitioner, and the national interests, immediate assistance.

The decisions of the bankruptcy court, the district

court, and the court of appeals, ordering, approving, the seizure of a petitioner's life estate, while simultaneously barring him court access, infers a scheme that demands "exercise of this Court's power of supervision." (Rule 17)

STATEMENT OF THE CASE

Petitioner had filed personal and corporate bankruptcy under chapter 11, to obtain relief from a series of civil and constitutional violations arising from an attempt to silence petitioner's exposure of a major air safety/air disaster scandal upon which had been superimposed a Justice Department and judicial coverup scandal. When federal courts refused to exercise their mandatory jurisdiction and withheld relief, petitioner was forced to seek relief by filing chapter 11 bankruptcy for his personal and corporate assets.

Mimicking the federal courts, the bankruptcy courts refused to provide relief from the civil and constitutional violations, and rendered an order refusing to accept jurisdiction, and ordering dismissal of the two cases. Then, without any hearing on the corporate estate, and during a noticed hearing on the personal case

for removal of the automatic stay, an order was rendered on September 28, 1987 seizing petitioner's properties, his home, his business, and his assets, despite the healthy condition of the estates.[1]

The written order appointing the trustee stated the hearing was held on October 8, 1987. But there wasn't any hearing on that date, and the false date was needed to circumvent the procedural requirement in that the verbally rendered order of abstention of September 11, 1987 was signed during the September 28, 1987 hearing, after the order seizing petitioner's properties was verbally rendered.

The constitutional requirement of due process was blatantly violated. The congressional requirement in Title 11 U.S.C. § 1104, was violated, which required a noticed hearing, legally recognized cause, supporting evidence, and other rights and protections. The seizure occurred after Las Vegas bankruptcy judge Robert Jones rendered a September 11, 1987 order refusing to accept

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[1] The nine million dollars of increasing real estate values were subject to only four million in liabilities, all safely secured by mortgages.

jurisdiction, abstaining, and ordering dismissal in 60 days.

Concurrently, petitioner was sabotaged by his own legal counsel, and was forced to appear in pro se, without funds, and without legal counsel. Since that time the court and the trustee have refused to provide petitioner with funds to hire legal counsel, while looting the estate to pay for the trustee's counsel to oppose removal of the trustee.

On December 16, 1987, on the request of the parties committing the civil and constitutional violations and who had no legal claim to the estate, judge Jones rendered an order transferring venue from Las Vegas to Oakland. Petitioner filed a timely notice of appeal. Petitioner also filed a notice of appeal of the order appointing the trustee, either and both of which then halted all further proceedings on matters affected by the appeals.

The appeals were ignored, the cases transferred, and orders rendered liquidating the chapter 11 properties, de facto converting the chapter 11 cases that had no financial problems, into a chapter 7 liquidation.

Every attempt to obtain relief from the bankruptcy courts, the bankruptcy appellate panel, the district court, the Ninth Circuit Court of Appeals, was rejected, either by refusing to respond to the petitions for relief, or by orders barring petitioner from filing any notices of appeals, oppositions, or other papers.

Petitioner filed a complaint in mandamus, which was dismissed by district Judge Legge[2] without a hearing, on the holding that a prior injunctive order by district judge Samuel Conti[3] permanently barred petitioner from filing any action in any state or federal court. Without a hearing, Judge Conti dismissed petitioner's complaint which stated multiple federal causes of action, and labeled petitioner a vexatious litigant for seeking relief from the onslaught of civil and constitutional violations that were causing terminal destruction of protected human rights. The injunctive orders barring petitioner from court access during the judicial attacks became common place in the Ninth

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[2] N.D. Cal. C 88-1890; CA No. 88-2758.

[3] C-86-0384.

Circuit tactics to protect the violations.[4] After petitioner filed notices of appeal of these injunctive orders, and exercised rights that would otherwise be lost, seeking to halt the terminal destruction of protected rights, he was held in criminal contempt and sentenced to prison.[5] In this manner, the federal courts have been corrupted, and seek to sequester evidence of the tragedy-causing air disaster misconduct, and their role in the coverup and the scheme to silence petitioner by his destruction. Bankruptcy judge Edward Jellen engaged in these tactics. After corruptly seizing petitioner's assets, Judge Jellen rendered orders barring petitioner from filing oppositions, appeals, and other papers. When petitioner exercised these rights, Judge Jellen, without a trial, sentenced petitioner to prison for purported criminal contempt. The ramifications upon our form of government, and upon the lives of its citizens, are grave.

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[4] Judge Milton Schwartz, E.D. Cal. action 86-210; Judge Marilyn Petal, N.D. Cal. action 85-3600; Judge Samuel Conti, N.D. Cal. action 88-1890; Judge Edward Jellen.

[5] E.D. Cal. CR 86-124 RAR; N.D. Cal. 88-4279 SC.

As petitioner's life assets were being liquidated, and his personal rights were traumatically affected, petitioner filed an emergency petition for relief. The Ninth Circuit duplicated the earlier due process gridlock, and as shown in their January 20, 1989 order (Appendix "A"), approved the massive violations of constitutional and federal protections, and again barred petitioner access to the courts.

Petitioner has been converted from a multi-millionaire, in excellent financial shape, using his funds to expose the air disaster and judicial scandal, to a state of destitution, following repeated violations of due process and equal protection by numerous judges and justices in the Ninth Circuit courts.

REASONS FOR GRANTING THE WRIT

Supreme Court Rule 26 requires that the issues raised in the petition "aid in the Court's appellate jurisdiction, that there are present exceptional circumstances warranting the exercise of the Court's discretionary powers, and that adequate relief cannot be had in any other form or from any other court." Rule 17 provides for this Court to exert its supervisory respon-

sibilities when a lower court has so far departed from the accepted and usual course of judicial proceedings.

Exceptional circumstances include:

A. Outrageous injustices misusing the federal judiciary, blatantly violating every relevant right, privilege, and protection under the Constitution of the United States, under Congressionally passed legislation, and Supreme Court decisions that camouflaged the reverse activities in the lower courts in unpublished decisions.

B. Engineered pattern of repetitive acts violating clear and settled law and constitutional protections, with the clear intent to destroy petitioner's exposure of the nation's tragedy riddled air safety/air disaster scandal, upon which has been superimposed a judicial coverup, a judicial scheme to silence petitioner, pattern of injunctive orders barring petitioner access to the courts and to the protection of law and constitution, while the court is simultaneously misused to destroy the person with the evidence to expose the corrupt causes behind some of the nation's worst air tragedies.

B. The hard-core, criminal misuse of the federal judiciary, destroying a citizen to silence his exposure

of government corruption.

C. The undermining of our form of government by federal judges paid and entrusted to uphold the law and constitution of the United States.

ARGUMENT

I. FUNDAMENTAL DUE PROCESS WAS VIOLATED BY SEIZING AND LIQUIDATING PETITIONER'S ASSETS

Constitutional due process and Congressionally passed statutes were shockingly violated by seizing the life's assets of a whistleblower, to silence him, (1) without constitutional due process right to defend; (2) without the statutory requirement of a noticed hearing, legally recognize cause, supporting evidence.

As if the laws and constitution did not exist, those entrusted to uphold the law simply seized petitioner's life's assets, after petitioner sought refuge in chapter 11 from the earlier civil and constitutional violations. Those who engineered the violations simply exerted their control over the bankruptcy judges hired and retained by the district court judges and justices of the Ninth Circuit.

A. **The Seizure Occurred With Blatant Violation Of Constitutional Due Process Right To Defend**

The Supreme Court has long held that a hearing and application of due process must occur before property interests may be taken. Wolff v. McDonnell (1974) 418 U.S. 539, 557-588 ("The Court has consistently held that some kind of hearing is required before a person is finally deprived of his property interests.") Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (The fundamental requirement of due process is an opportunity to be heard at a meaningful time and in a meaningful manner.) Vanelli, 667 F.2d at 780 (At a minimum, due process requires notice and a hearing where the individual has a meaningful opportunity to confront the evidence against him.).

CONSTITUTION PROVISIONS

The Fifth Amendment requires:

> No person ... [may be] deprived of life, liberty, or property, without due process of law;

B. **The Statutory Requirements For a Noticed Hearing, Legally Recognized Cause, Evidence, Were Openly Violated**

The seizing of the corporate estate, and the personal estate, were made without the statutory requirement of a noticed hearing. (Title 11 U.S.C. § 1104) The clerk's docket sheet shows that the hearing calendared on the September 28, 1987 date the property was ordered seized was on the personal bankruptcy, and limited to a motion to lift the automatic stay.

None of the legally recognized causes for removal of a chapter 11 debtor in possession were alleged during the hearing at which the order was rendered seizing petitioner's properties. (Fraud, dishonesty, or gross mismanagement.) The only argument that was raised, without petitioner's right to defend, was that petitioner was held in criminal contempt by a part-time magistrate, for filing federal actions seeking relief for himself from the constitutional violations and addressing the air disaster misconduct and felonies. (Magistrate John Moulds, E.D. Cal, CR 87-124 RAR).[6]

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[6] That judgment was on appeal. Petitioner was held in criminal contempt of an illegal injunctive order which barred petitioner from filing any action in any state or federal court, for any reason whatsoever. Petitioner had filed two federal actions (D.C. No 86-2523, N.D. Cal. 86-6046), alleging multiple federal causes of action of constitutional magnitude, that exposed gov-

C. **The Order Seizing Petitioner's Assets Was Rendered Without Jurisdiction, While An Order Of Abstention Was In Effect**

The verbal order seizing petitioner's properties was rendered on September 28, 1987, and signed on October 8, 1987. But on September 11, 1987, an order was verbally rendered refusing to accept jurisdiction over the two bankruptcy cases, which had never been vacated or subject to any hearing to vacate.

D. **The Subsequent Orders Causing Property Liquidation Occurred After Notice of Appeals Deprived the Court Of Jurisdiction**

Petitioner filed notice of appeal on December 18, 1987 of the order changing venue to Oakland. Petitioner followed that notice of appeal by notice directed to the order seizing petitioner's assets through the trustee appointment. The filing of notice of appeal halted the court's jurisdiction over matters affected by the

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ernment and judicial misconduct related to what has become the world's worst air disaster scandal in which the death toll is increasing by the hundreds and passing through the thousand marks. Petitioner was held in contempt for not committing the criminal act of cover-up.

appeals.[7]

II. THE JANUARY 20, 1989 ORDER JUDICIALLY APPROVES THE MAJOR VIOLATIONS, AND BARS PETITIONER FROM SEEKING RELIEF

The January 20th Ninth Circuit order (1) protects the violators; (2) approves the major violations of rights and protections under the laws and constitutional of the United States arising from the seizure of the assets; (3) continues the suspension of law in the earli-

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[7] Masalosalo v. Stonewall, 718 F.2d 955 (9th Cir. 1983) ("The effective filing of a notice of appeal transfers jurisdiction from the district court to the court of appeals with respect to all matters involved in the appeal. ... We have held that jurisdiction over a case is immediately transferred to the court of appeals from the filing of a sufficient notice of appeal "with respect to any matter involved in the appeal. ... the district court was without jurisdiction to make the award. ..."; Donovan v. Mazzola, 761 F.2d 1411 (9th Cir. 1985) ("The Ninth Circuit follows the general rule ... that the filing of a notice of appeal divests the district court of jurisdiction over the matters appealed. Cowans Bankruptcy Law and Practice, (1987), Section 18.7, entitled "Loss of Jurisdiction by the Bankruptcy Court on Appeal: The jurisdiction of the bankruptcy court terminates once an appeal is taken just as the district court loses jurisdiction once an appeal is taken to the circuit. In re Reddis 37 B.R. 217 (E.D.Pa. 1984); In re Butcher Boy Meat Market, Inc., 10 B.R. 258 (Bkrtcy.E.D.Pa. 1981); In re Excavation Construction Inc., 8 B.R. 752 (D.Md 1981). The jurisdiction of the bankruptcy court terminates once an appeal is taken just as the district court loses jurisdiction once an appeal is taken to the circuit.

er injunctive orders barring petitioner access to the courts, all of which perverts their responsibilities as federal judges to the Congressionally passed statutes, fundamental constitution rights, privileges, and protections, and the Supreme Court decisions which are routinely violated in unpublished decisions, of which the instant action is a classic.

III. THE PATTERN OF DELIBERATE CONSTITUTIONAL VIOLATIONS COMMITTED BY COORDINATED NINTH CIRCUIT ACTIVITIES HAVE ALARMING IMPLICATIONS

The extent of the judicial due process gridlock, the implications of actual criminal misconduct by Ninth Circuit judges and justices, the gravity of the violations, invokes mandatory jurisdiction of the Supreme Court under supervisory responsibilities articulated in Rule 17, in Title 28 U.S.C. § 1343, in Title 42 U.S.C. § 1986, the oath of office to uphold the laws and constitution of the United States, and other authority.

Petitioner is suffering great and irreparable harm, injustices that shocks the conscience, by a Ninth Circuit judiciary that is running amuck and trampling rights, privileged, and protections under the laws and

constitution of the United States. There is a major government scandal that commenced with petitioner's discovery of what is probably the world's worst air safety/air disaster scandal. The Ninth Circuit, either on its own initiative, or by higher directions, embarked on a pattern of coverup, and then a pattern to destroy the whistleblower. When the scheme was recognized, the entire Ninth Circuit corrupted itself and is now embarked on a solid judicial gridlock to destroy a citizen who used his assets and time to protect others that every known check and balance within the United States willingly sacrificed to protect the violators.

The Supreme Court again must make a decision: (1) dismiss the petition, either directly, or indirectly by barring its filing using through the Court clerk again fabricating excuses to bar the filing; (2) sacrifice the lives that will continue to be sacrificed in the underlying air disaster scandal; (3) permit the hard-core subversion of our form of government to continue; or, (4) provide the relief that the Justices are paid and entrusted to provide, and that is long overdue.

IV. REFERENCE TO OTHER ACTIONS TO SHOW THE ROOT CAUSE FOR THE NINTH CIRCUIT DUE PROCESS GRIDLOCK

The national implications of the underlying scandal and harm inflicted upon the nation as a whole, upon individual who have and will continue to perish in the related air disaster scandal, and upon petitioner, justifies reference to the basis for the constitutional outrages.

Reference is made to allegations and facts stated in the following federal actions. Stich v. Department of Justice, D.C. No. 86-2523 and 87-2114; USA v. Stich, E.D. Cal. CR 124 RAR.

These actions describes petitioner's discovery of graft, corruption, felonies, related to a series of brutal air tragedies, initially uncovered while acting as a government air safety investigator. The misconduct was discovered within the two federal air safety agencies upon which the public relies for their air safety--the Federal Aviation Administration and National Transportation Safety Board. To circumvent the block to exposure and corrective actions, petitioner made formal reports to the Department of Justice and members of

the United States Senate and House. Either because of their participation in the misconduct, or to protect tentacles of self-interest, the coverup continued, even after admitting the gravity of the violations. The crashes and deaths continued.

Petitioner sought to circumvent the expanding obstruction of justice by filing federal actions in the United States District Court, Northern District of California. The district court and the Court of Appeals, after admitting the gravity of the allegations, wrongfully dismissed the actions. Petitioner sought relief for those who would continue to perish from the effects of the misconduct by filing petitions for writ of certiorari

with the Supreme Court.[8] These actions knowingly sacrificed many hundreds of lives in specific airline crashes, which is continuing to this date.

To circumvent this block, petitioner escalated his exposure actions by turning to the public via published books and hundreds of radio and television appearances, which threatened to expose those directly committing the air safety misconduct, and those making possible the wrongful acts by their coverup.

Shortly after the Supreme Court refused to grant a hearing in 1982 of the action against the National Transportation Safety Board, the onslaught of judicial violations commenced against petitioner, misusing the

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[8] Stich v. Federal Aviation Administration, DC # 74982 RHS; CA # 75-2300; certiorari to U.S. Supreme Court No. 77-30 (addressed air safety misconduct and felonies by the FAA, associated with series of fatal airline crashes; judges and justices admitted the gravity of the issues, and them fabricated excuses to dismiss the action); Stich v. National Transportation Safety Board, DC # 80-4526SAW; CA # 82-8272; certiorari to U.S. Supreme Court No. 82-93 (addressed misconduct by NTSB covering up for highly sensitive crash-causing misconduct in specific airline crashes).
(77-30 and 82-93). The Court refused to provide relief, making possible many of the subsequent fraud-related deaths.

California courts in a cause of action that had been prohibited by Supreme Court decisions for the past half century, violating over 20 California statutes, over ten rules of court, over five doctrines of law, California constitutional protections, and California Supreme Court decisions. In addition, numerous federal question rights were violated. Attempts to obtain relief from the California Court of Appeals and California Supreme Court encountered a solid judicial gridlock. Each and every one of these wrongful acts raised federal causes of action under the Civil Rights Act, the RICO Act, declaratory judgment statutes, and under constitutional remedies and court access.

EXERCISING FEDERAL REMEDIES

In desperation, petitioner sought relief from the major federal question violations in Ninth Circuit federal courts,[9] the same courts that had obstructed the exposure of the air disaster scandal and who were thereafter threatened by petitioner's exposure activities.

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[9] E.D. Cal, No. 84-048; 86-210; and others.

Relief was sought on the basis of the multiple violations of civil and constitutional rights.[10] The rights, privileges, protections under the Constitution and Congressionally passed statutes, and published decisions, were repeatedly violated and denied to petitioner. A solid judicial due process gridlock existed.

Multiple federal causes of action of constitutional magnitude[11] were stated with specific facts, and even proved by taking judicial notice of the California proceedings, which barred dismissal of the actions. The pattern in federal courts since 1984 became standard operating procedures in the Ninth Circuit courts: (1)

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[10] Orders rendered under color of state law, causing great and irreparable harm, without personal jurisdiction and without subject matter jurisdiction, violating clear and settled state law, violating federal question rights, bad faith conduct; right to unabridged interstate travel, right to a divorce, right to have it recognized, due process and equal protection, and others.

[11] Orders rendered under color of state law; causing great and irreparable harm; violating over two dozen California statutes and rules of court; violating federal question rights, including constitutional right to unabridged interstate travel, right to obtain a divorce, right to exercise jurisdiction on basis of residence, violations of Civil Rights Act, RICO Act, declaratory judgment statutes.

Reverse the Supreme Court's and common sense definition of frivolous, and place a frivolous label upon petitioner's federal causes of action of constitutional magnitude; (2) order severe financial sanctions against petitioner, to be paid to those committing the violations, which exceeds $150,000 at this time; (3) dismiss the actions in clear violation of case law, rules of court, statutory law, and constitutional protections, seeking "support" in the reverse frivolous label; (4) render a litany of injunctive orders barring petitioner access to the courts and suspending the laws and constitution for petitioner, while simultaneously misusing the judicial process to finish off petitioner, seizing his assets, putting him in prison for exercising constitutional remedies, and inflicting chaos into his personal life; (5) and then calling him a vexatious litigant for desperately seeking relief from the judicial cowards who inflict their outrages upon petitioner, and even upon the little children and others who perish in fraud-related airline disasters in which they are no match for this brand of judicial misconduct.

Every attempt to obtain relief from the Supreme

Court, commencing with the air disaster mandamus actions, to relief from the multiple violations commencing in 1982, were without success.[12] Many of the rejections used the clerk of the Supreme Court feigning excuses for not filing the papers. The Justices of the Supreme Court were put on notice, both by the attempted filings, the actual filings, and copies sent to the justices themselves.

The Only Country That Imprisons An Air Safety Expert For Exposing Air Disaster Felonies

The Ninth Circuit mentality and interpretation of the laws and constitution of the United States, has perverted the meanings to where prison and total destruction of human rights, protected personal and property rights, are the consequences of exercising moral and legal responsibilities.

Judicial misconduct in the Ninth Circuit, that either originates in that circuit, or is responsive to high-

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[12] Appeal A-313, 1984 term, which was unfiled after filing and returned; appeal 86-424 1985 term; and over six petitions for relief from the imprisonment for exercising constitutional remedies, relief from the corrupt seizure of petitioner's assets, and relief from the judicial conspiracy infiltrating the Ninth Circuit courts.

er judicial dictates, has perverted the judicial process. The issues in this petition are but the tip of an iceberg, wherein the totality of the judicial misconduct infers unmistakably, a corruption of the federal courts and hard-core attacks upon our form of government.

CONCLUSION

We have here issues that shock the conscience, and that invokes mandatory Supreme Court jurisdiction. Major national issues of great importance are stated and involved in this petition. Crass and dangerous wrongdoings of the entire Ninth Circuit courts are described and inferred. There can be no doubt that a pattern of major constitutional violations is deeply rooted in the Ninth Circuit court mentality, that threatens our way of life and our form of government.

Petitioner requests that this Court grant certiorari, and to provide an immediate writ of prohibition or writ of mandamus ordering:

1. Stay of all bankruptcy court proceedings.

2. Stay of all trustee expenditures.

3. Receive briefs for vacating trustee appointment order; for return to petitioner of all funds received by

trustee from the seizure of petitioner's estate, minus the amounts paid out in mortgage payments and operating supplies directly used in the operation of the business; return the properties and the business to petitioner, to the condition found at the time of seizure of the properties; solely at the trustee's expense.

4. Reinstate the automatic stay against all state and federal proceedings, until such time as petitioner has regained control of the estate.

5. Address the civil and constitutional violations that forced petitioner to seek relief in chapter 11 bankruptcy.

6. Provide for the dismissal of the bankruptcy cases, after petitioner has had time to reorganize the damage accomplished by the illegal trustee appointment.

7. Provide for the investigation of judicial misconduct in the Ninth Circuit, in such a manner as to minimize any coverup.

Dated: February 13, 1989.

Rodney F. Stich
Petitioner in pro se

AFFIDAVIT

I, Rodney F. Stich, declare:

The facts stated in this declaration are true to the best of my knowledge and belief. Executed this 13th day of February 1989 in the town of Alamo, State of California.

Rodney F. Stich

No. _____

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1988 TERM

RODNEY F. STICH

Petitioner

UNITED STATES BANKRUPTCY COURT
Judge Edward Jellen
Respondent.

Charles Duck, Trustee
Real Party In Interest

Petition For Writ Of Certiorari

UNCONSTITUTIONAL SEIZURE OF CHAPTER 11 PROPERTIES

APPENDIX

Rodney F. Stich
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Petitioner in pro se

[Appendix "A"]

FILED
Jan. 20, 1989

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RODNEY F. STICH, et al.,

Petitioners,

vs.

U.S. BANKRUPTCY COURT, et al.,

Respondents.

No. 89-70016

Order

Before: WIGGINS, O'SCANNLAIN, and TROTT,
Circuit Judges

Petitioners' petition for a writ of mandamus to the bankruptcy court, request for removal of the trustee, and request for an emergency temporary restraining order are denied.

The court is aware of several prior attempts by petitioner to disrupt the orderly processes of the Bankruptcy Court by filing "emergency" petitions for relief in this court. These have been denied. Furthermore,

petitioner's appeal from a decision of the Bankruptcy Appellant Panel denying similar requests for relief is currently pending (appeal no. 88-15114). Accordingly, the Clerk shall refuse to file any further petitions for relief from orders entered or actions taken by the Bankruptcy Court in dockets BK-8-87-123748 or BK-8-87-13758 without prior leave of court. Any such application shall be lodged only, and submitted to the current motion panel for review before filing will be allowed.

MoCal 1/18-89

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Appendix "B"

Filed Sep 28, 1987

United States Bankruptcy Court
District of Nevada

In re BK-S-1376

Rodney F. Stich Chapter 11

Debtor

In re BK-S-87-2067

Western Diablo Enterprises, Inc.

Debtor Order Modifying
Automatic Stay

Date: September 11, 1987
Time: 9:00 a.m.

_____/

On September 11, 1987 the MOTION FOR RELIEF FROM AUTOMATIC SSTAY; and MOTION FOR APPOINTMENT OF TRUSTEE OR EXAMINER WITH EXPANDED POWERS filed by Emma Stich and by Friedman, Sloan & Ross came on for hearing. Also before the Court was the continued hearing on the MOTION FOR RELIEF FROM STAY filed by Robil, Inc.

Present were the Debtors and Joshua M. Landish and Vernon L. Bradley on behalf of the Debtors; Rene Ellen Feinstein and Jeffrey S. Ross on behalf of Emma

Stich and Friedman, Sloan & Ross; and Estelle C. Mannis on behalf of Robil, Inc.

Having reviewed the pleadings on file herein and heard the rguments of counsel, it is the determination of this Court that it should abstain from hearing the above-captioned bankruptcy c ases and therefore, pursuant to 11 U.S.C. § 305, an order dismissing the cases will be entered within 60 days of the hearing. Pending dismissal of the cases,

IT IS HEREBY ORDERED that the automatic stay is modified as follows:

1. The automatic stay is hereby terminated with respect to all litigation pending by or against the Debtor in all state and federal courts, including the California Court of Appeal.

2. The automatic stay is not terminated with respect the commencement or continuation of any foreclosure against any property of the above-captioned bankruptcy estates.

3. The Debtors shall forthwith do whatever is necessary to achieve refinancing of the secured Notes held by Robil, Inc. and the parties shall appear before

the Court for a satus shearing on November 10, 1987 at 1:30 a.m.

Dated this 28 day of September, 1987.

Judge Robert Jones

Appendix "C"

Filed Oct 8, 1987

United States Bankruptcy Court

District of Nevada

In re: BK S 87 2067
Chapter 11

Western Diablo Enterprises, Inc.
Debtor

_____/

Order Appointing Trustee

Pursuant to the hearing on October 8, 1987,

IT IS HEREBY ORDERED that CHARLES DUCK be appointed Trustee in the above-entitled bankruptcy.

IT IS HEREBY ORDERED that a bond shall be obtained for an amount equal to funds held by the Trustee.

DATED this 8th day of October 1987.

Judge Robert Jones

DECLARATION OF SERVICE BY MAIL

I, Loes Remington, declare I am over the age of 18 years, and not a party to this action. My place of residence is 238 Leisure Lane, Reno, Nv 89502.

On February 17, 1989 I served a copy of this jurisdictional statement in an envelope addressed to each of the persons named below, at the address stated, and deposited the envelope in the United States mail at Reno, Nevada, with first class postage fully prepaid.

U.S. Bankruptcy Court, 13th and Alice, Oakland, CA. 94604

U.S. Court of Appeals, Box 547, San Francisco, CA 94101

Goldberg, Stinnett, and MacDonald, Suite 1700, 44 Montgomery St, San Francisco, CA 94104.

Executed on February 17, 1989, at Reno, Nevada.

I declare under penalty of perjury that the foregoing is true and correct.

Loes Remington